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January 29, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554


Re: **MM Docket No. 95-175**

DOCKET FILE COPY ORIGINAL

Dear Mr. Caton

Transmitted herewith, on behalf of Diamond Broadcasting, Inc., licensee of Stations KOMA(AM), KOMA-FM and KRXXO(FM), Oklahoma City, Oklahoma, are the original and four (4) copies of its Comments in the above referenced proceeding.

Very truly yours


Stanley S. Neustadt

Enclosures

cc: Gary S. Smithwick, Esq.
Mr. John A. Karousos

DS1/19996-1

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JAN 29 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

BEFORE THE

Federal Communications Commission

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 95-175
Table of Allotments, FM Broadcast Stations.) RM-8707
(Ada, Newcastle and Watonga, Oklahoma))
)
To: Chief, Mass Media Bureau)

COMMENTS OF DIAMOND BROADCASTING, INC.

Diamond Broadcasting, Inc. ("Diamond"), licensee of Stations KOMA(AM), KOMA-FM and KRXO(FM), Oklahoma City, Oklahoma, by its attorneys and pursuant to Sections 1.415 and 1.420 of the Commission's Rules, hereby submits its comments with respect to the Commission's Notice of Proposed Rule Making and Order to Show Cause (DA95-2367), released December 6, 1995, in the above-captioned proceeding concerning a proposal of Tyler Broadcasting Corporation ("Petitioner"), licensee^{1/} of FM Broadcast Station KTLS, Ada, Oklahoma, to reallocate Channel 227C1 from Ada to Newcastle, Oklahoma for use by KTLS (and modify the license of KTLS to specify Newcastle as its community of license) and, in order to accommodate such reallocation, substitute

^{1/} The Commission's Notice of Proposed Rule Making indicates that an assignment of license application (File No. BALH-950609GO), granted August 8, 1995, approving Petitioner's acquisition of Station KTLS had not yet been consummated. In fact, the Commission's records indicate that the assignment of license did indeed occur on September 29, 1995.

ENCLOSURE

Channel 230A for Channel 228A to Watonga, Oklahoma for use by Station KIMY. Diamond opposes Petitioner's reallocation request, and, in support of such opposition, sets forth the following.

Background

1. Ada, Oklahoma (1990 population 15,800) presently receives local aural service from three full time radio stations, KADA(AM), KADA-FM and KTLS, whereas Newcastle, Oklahoma (1990 population 4,214) does not have a local aural broadcast service allocation. A staff engineering analysis of Petitioner's proposal indicates that the allotment of Channel 227C1 to Newcastle would result in a population gain of 777,961 persons within an 11,888 sq. km area with a loss in service to 100,387 persons within a 10,758 sq. km area; the lost service area will continue to receive at least three full time radio services and, in most instances, at least five full time services. Because the proposed reallocation would result in Station KTLS providing a city grade (70 dBu) signal over 50 percent or more of the Oklahoma City, Oklahoma urbanized area, Commission policy requires that Newcastle be treated as if it were part of the Oklahoma City, Oklahoma urbanized area and Petitioner must demonstrate that Newcastle warrants a first local service preference under such circumstances.

Discussion

2. Diamond submits that Petitioner's proposal does not warrant a first local service preference but, rather, should be treated as if it will bring another broadcast service to the Oklahoma City, Oklahoma urbanized area, which is already well served by a multitude of aural broadcast stations. Indeed, the fact that the proposed reallocation would result in such a large gain area is indicative of the fact that the present allotment is licensed to Ada, a rural area, whereas Newcastle

is contiguous to the Oklahoma City, Oklahoma authorized area. Newcastle is located approximately 60 miles west northwest of Ada and 15 miles south of Oklahoma City (1990 population 444,719); Newcastle is outside, but contiguous to, the Oklahoma City urbanized area, but within the Oklahoma City MSA. Accordingly, the population of Newcastle is less than 1 percent (0.9%) of the population of Oklahoma City or, conversely, the population of Oklahoma City is more than 105 times that of Newcastle. Diamond knows of no case in which the Commission has permitted a reallocation where there would be such a disproportionate comparison. See, e.g., FM Channel Assignments, 6 FCC Rcd 6580, 70 RR2d 182 (Mass Media Bureau 1991), where such a reallocation of a Class C1 channel to Sandy Springs, Georgia, contiguous to Atlanta and one-sixth the size of Atlanta in population, was denied. See, also Headland, Alabama and Chattahoochee, Florida, 10 FCC Rcd 10352 (1995) (cited by the Commission in the NPRM in the instant case).

3. The proposed reallocation involves a Class C1 channel, intended to provide a wide area regional coverage and not merely local service; a Class C1 station may be operated with a maximum of 100 Kw ERP at 299 meters (981 feet) height above average terrain, producing a 1 mV/m meter contour radius of 72 km. Section 73.211(b) of the Commission's Rules. Indeed, if Channel 227C1 is reallocated to Newcastle, Station KTLS will provide a 70 dBu signal over 95 percent of the Oklahoma City urbanized area. NPRM, para. 5. Essential to Petitioner's proposal is its contention that the reallocation of Channel 227C1 to Newcastle would result in a preferential arrangement of allocations since it would provide Newcastle with a first local aural broadcast service. In fact, the studios and offices of noncommercial educational Station KMSI(FM), Moore, Oklahoma, are located at 1105 North Main Street in Newcastle (see Exhibit 1) and a booklet prepared and

compiled by Century 21 Realtors makes reference to KMSI as a local radio station in Newcastle. See Exhibit 2, page 4. Accordingly, Petitioner's claim that its proposal would bring a first local aural broadcast service to Newcastle would raise form over substance to new heights.

4. The Oklahoma City radio market comprises 12 commercial AM stations and 12 commercial FM stations for a total of 24 aural broadcast services. BIA's Radio Yearbook 1995, page 219 (copy attached as Exhibit 2). Accordingly, Newcastle enjoys the reception services of at least 24 aural commercial radio services. Even though there is some evidence that Newcastle enjoys a level of independence from Oklahoma City based on the fact that Newcastle has its own form of city government, a weekly newspaper, schools, fire protection, police, water and sewerage services, nevertheless, the limited number of businesses located within Newcastle, the fact that it has no major public hospital, telephone directory or public transportation system, creates a presumption of interdependence based on Newcastle's proximity to Oklahoma City. See, e.g., RKO General, Inc., 5 FCC Rcd 3222, 67 RR2d 1428 (1990). The fact that the proposed reallocation to Newcastle would result in a net gain of 677,574 people is not dispositive because this merely reflects the fact that the channel is currently allocated to a rural community whereas Newcastle is contiguous to the Oklahoma City urbanized area. See, FM Channel Assignments, 10 FCC Rcd 3337, 78 RR2d 1128 (1995).

5. Absent the first local aural service preference claimed by Petitioner, there is no public interest justification to provide Newcastle and Oklahoma City with a 25th aural broadcast service and Petitioner's proposal must be viewed in that light. Such a result would be inconsistent with the goals of Section 307(b) of the Communication's Act and would encourage the migration of rural

stations to urban areas in a manner which would be inconsistent with the public interest. Accordingly, Diamond opposes the above-captioned reallocation proposal and urges the Commission to deny such request.

Respectfully submitted

By: Stanley S. Neustadt
Stanley S. Neustadt
Richard A. Helmick

COHN AND MARKS
1333 New Hampshire Ave.
Suite 600
Washington, D.C. 20036
(202) 452-4830

Its Attorneys

January 29, 1996

EXHIBIT 1

1818. FAX: (918) 542-1819. Licensee: Eagle Broadcasting Inc. (acq 2-15-91; with co-located FM: FTR 3-11-91). Net: CBN; Brownfield. Wash atty: Latham & Watkins. Format: Relig. News staff one: news progmg 9 hrs wkly. Target: \square General. \blacksquare Terry R. Millikin, gen mgr & gen sis mgr; Robert Suman, progmg dir; Kim Barnes, news dir; Rusty Wynn, chief engr.

KGLC(FM)—Co-owned with KVIS(AM). December 1975: 100.9 mhz; 3.6 kw. Ant 273 ft. TL: N36 53 27 W94 47 01. Stereo. Dups AM 100%. FAX: (918) 542-3301

Midwest City

KTLV(AM)—April 1973: 1220 khz: 250 w-D, DA. TL: N35 23 50 W97 27 04. 3336 S.E. 67th St., Oklahoma City (73135). (405) 672-1220; (405) 672-3886. FAX: (405) 672-5858. Licensee: First Choice Broadcasting Inc. (acq 6-19-92). Format: Black Christian, Sp. Target aud: 24 plus. ■ Dale Williams, pres, gen mgr & progmg dir.

Moore

***KMSI(FM)**—Mar 26, 1991: 88.1 mhz; 30 kw-vert. Ant 597 ft. TL: N35 12 07 W97 35 18. Stereo. Hrs opn: 20. Box 1924, Tulsa (74101); 1105 N. Main, New Castle (73065). (405) 387-3688. Licensee: Creative Educational Media Corp Inc. Format: Positive easy gospel. Target aud: General. Spec prog: Talk 5 hrs wklly ■ David Ingles, pres; Kim Spence, prom mgr; David Warren, program dir; Larry White, engrg dir; Roger King, chief engrg.

WWLS(AM)—Sept 26, 1922: 640 khz; 1 kw-U, DA-N. TL: N35 17 21 W97 30 08. 4000 W. Indian Hills Rd. (73069). (405) 360-7000. FAX: (405) 364-1557. Licensee: Fox Broadcasting Co. (acq 1-18-89; \$550,000; FTR 2-6-89). Net: *Ap. Format: Sports.* *■* John Fox, pres & gen mgr. Tony Sellers. opns mgr & progmg dir.

Muskogee

KBIX(AM)—May 1, 1936: 1490 khz; 1 kw-U. TL: N35 46 06 W95 21 14. Hrs oprn: 24. Box 1269 (74402-1269). (918) 682-1331. FAX: (918) 682-6775. Licensee: D&E Broadcasting Inc. (acq 10-26-93; \$110,000; FTR 11-8-93). Net: MBS. Okla. Radio Net. Format: News/talk/info. News progrm 11 hrs wkly. Target aud: 25-54. ■ *Jim Smith, gen mgr; Mick Reed, progmg dir; John Edwards, chief engr.*

KHJM(FM)—See Taft.

KHTT(FM)—February 1972: 106.9 mhz; 100 kw. Ant 1,005 ft. TL: N35 51 41 W95 46 03. Stereo. Hrs opn: 24. Suite 711, 7030 S. Yale, Tulsa (74136). (918) 492-2020. FAX: (918) 496-2681. Licensee: Renda Broadcasting Corp. Group owner: Renda Broadcasting Corp.-Renda Radio Inc. (acq 4-15-93; \$1.6 million; FTR 5-3-93). Net: ABC/FM, NBC. Rep: Major Mkt. Format: Hot contemp hit. News staff one: news progmg 10 hrs wkly. Target aud: 12-44; teens & young adults. ■ Tony Renda, pres; Pat Bryson, gen mgr; Mark Clark, prom dir; Mike Ring, vp & progmg dir; Kitt Smith, news dir; Dennis Orcutt, chief engr.

KMMY(FM)—Jan 19, 1984: 97.1 mhz; 100 kw. Ant 1,274 ft. TL: N35 17 05 W95 25 26. Stereo. Box 9700 (74402). (918) 682-9700. FAX: (918) 682-6775. Lic#933: KMMY Inc. (acq 9-15-93; \$500,000; FTR 10-11-93). Format: Country. News staff one. Target aud: 21-49; middle, upper-middle class. Spec prog: Farm 5 hrs wkly. ■ David Stephens, gen mgr; Phil Shaw, stn mgr.

Norman

***KGOU(FM)**—Sept 25, 1970: 106.3 mhz; 3 kw. Ant 300 ft. TL: N35 17 22 W97 21 30. Stereo. Hrs opn: 5 AM-mid-

H.B. La Rue, Media Brokers

Beverly Hills 310-275-9266 • NYC 212-288-0737

night. 780 Van Vleet Oval (73019). (405) 325-3388. FAX: (405) 325-7129. Licensee: University of Oklahoma. Net: NPR. Wash atty: Dow, Lohnes & Albertson. Format: Class, jazz, news. News staff 2; news progrmg 47 hrs wky. Target aud: 25-54. Spec prog: Blues 10 hrs, new age 4 hrs wky. ■ Karen Holp, gen mgr; Jay Childs, opns mgr; Rachel Jacquemain, dev dir; Michael F. Jackson, mus dir; Steve Carmody, news dir; David White, chief engr.

KNOR(AM)—November 1949: 1400 khz; 1 kw-U. TL: N35 13-04 W97 24 37. Hrs opn: 5 AM-midnight (M-F); 6 AM-midnight (S, Su). 2020 E. Alameda (73069). (405) 321-1400. FAX: (405) 321-6820. Licensee: Fox Broadcasting (acq 7-8-92; \$190,000; FTR 7-27-92). Net: ABC/1. NBC; Radio. Kladia Net. Wash atty: Reed, Smith, Shaw & McClay. Format: Easy contemp. News staff one. Target aud: 25-54; middle-upper class adults. ■ John Fox, pres & gen mgr; Larry Rhodes, chief opns, progmd gr & chief engr; Mike Holt, gen sis mgr & adv mgr; Tony Sellars, prom dir; Jerry Amsoacher, news dir.

Nowata

KRIG(FM)—Licensed to Nowata. See Bartlesville.

Oklahoma City

KATT-FM—Oct 17, 1960: 100.5 mhz; 97 kw. Ant 1, 191 ft. TL: N35 35 22 W97 29 03. Stereo. 4045 N.W. 64th (73116). (405) 848-0100. FAX: (405) 843-5288. Licensee: CAT Communications Inc. (acq 6-28-93; FTR 8-2-93). Net: NBC the Source. Format: AOR. ■ Larry Bastida, gen mgr; Tricia York, gen sls mgr; Dan Berg, prom mgr; Chris Baker, progmg dir; Kelly Davis, mus dir.

KBYE(AM)—1946: 890 khz; 1 kw-D. TL: N35 33 59 W97 28 28. Box 20700 (73156). (405) 478-2100. FAX: (405) 478-0199. Licensee: KBYE Inc. (acq 2-4-91; \$315,000; FTR 2-18-91). Format: Relg. ■ Chuck Freney, gen mgr; Virginia LaFara, progmg dir; Bill Gilliland, chief engr.

KEBC(FM)—June 6, 1967: 94.7 mhz; 98 kw. Ant 1,387 ft. TL: N35 32 58 W97 29 50. Stereo. Hrs opn: 24. Box 1000 (73101). (405) 631-7501. FAX: (405) 631-6372. Licensee: Clear Channel Radio Inc. (group owner; acq 1-94; \$7.5 million). Format: Country. News staff one. Target aud: 25-54. ■ L. Lowery Mays, CEO; Mark Mays, *chmn*; Randall Mays, pres; Herb Hill, CFO; Miles Chandler, vp; Bill Hurley, gen sis mgr; Mike Wahl, mktg mgr; Don Miner, prom mgr; Mike McCoy, progmg dir; Dave Dotson, mus dir; Randy Mullinax, chief engr.

KJYO(FM)—Listing follows KTOK(AM).

KMGL (FM)—Nov 25, 1965: 104.1 mhz; 100 kw. Ant 1,425 ft. TL: N35 32 58 W97 29 18. Stereo. Hrs opn: 24. Box 14818, 1200 E. Britton Rd. (731313). (405) 478-5104. FAX: (405) 478-0484. Licensee: Renda Broadcasting (group owner; acq 4-88). Rep: Eastman. Format: Adult contemp. ■ Tony Renda, pres; Rob Adair, sr vp & gen mgr; Carol Simmons, gen sls mgr; Jeff Roberts, prom mgr; Steve O'Brien, progmg dir; Bob Glover, news dir; Dennis Orcutt, chief eng.

KNTL(FM)—(Bethany). Oct 29, 1965: 104.9 mhz; 3 kw. Ant 299 ft. TL: N35 29 58 W97 37 08. Hrs opn: 24. 2809 N. MacArthur, Oklahoma City (73127). (405) 789-1140. FAX: (405) 789-1289. Licensee: Bott Communications Inc. Group owner: Bott Broadcasting (acq 9-21-94; \$600,000. FTR 11-14-94). Net: AP. Format: Adult contemp. Christian. News progmg 4 hrs wkly. Target aud: 25-54. ■ Pat Robertson, chmn; Mike Carter, pres. Tom McCoy, gen mgr; Rick Woodward, gen

Miami

KYB(AM)—February 1948: 910 khz; 1 kw-U, DA-1. TL: 1938 53 27 W94 47 00. Hrs opn: 24. Box 1555 (74355); 6400 S. Hwy. 137 (74355). (918) 542-7175; (918) 542-

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EXHIBIT 2

Tri-City Area Map

on & Mustang

SH 37

ittle

CENTURY 21
Lawson & Jones
Offices

INT 44

SH 130

Newcastle

Oklahoma City

Tyler Rd/NW 40th

NW 32nd/State 37

NW 24th

NW 16th

Fox Lane

SW 16th

SW 24th

Quail Haven Dr

W. Post Oak Rd

SW 10th

SW 7th

SH 74B/Cole Rd

Moore

Norman

SH 9

SH 62
& US 277

SH 76

Blanchard

US 277 &
SH 62 & 9

SH 76

Cole

1 mile line/Richard Rd

2 mile line/Frisco Rd

3 mile line/Cornelary Rd

4 mile line/Czedl Hall Rd

5 mile line/Mustang Rd

6 mile line/Sara Rd

7 mile line/Morgan Rd

8 mile line

S Council Rd.

S Rockwell ave

S Country Club Rd

S Meridian Ave

S Portland ave

S May ave

S Penn/72nd ave

S Western/60th ave

S Walker/48th ave

S Harvey/36th ave

Main St Newcastle

An Exodus -

Lately, I have been saying - "Suddenly the Tri-City area has been discovered." From someone who sees and works with buyers every day from the City, I see new fresh hopes and values. I see people wanting to educate their children in smaller schools. I see people who say - "I grew up in the country, and I want my children to grow up in the country." They are asking for small acreages where they and their children can raise a cow, or have a horse. We are only 20-35 minutes away from most major employers, and any shopping anyone could desire. People are happy here and it shows !



LAWSON & JONES, INC.
7 HIGHWAY 76 SOUTH
NEWCASTLE, OK 73065
405-392-2100 or 1-800-763-5133

This booklet was compiled for friends of
CENTURY 21 Lawson & Jones, Inc.,
by friends and Staff

edited and printed January, 1995

CITY OF NEWCASTLE COUNTY OF MCCLAIN



Population

Data from the 1990 population census places the Newcastle population at 4,214. This is an increase of 23.76% from 1980. 18.49% of the population of McClain County resides in Newcastle.

Area	1970	1980	1990	1992 est.
City	1,271	3,076	4,214	4,430
County	14,157	20,291	22,795	23,467
30 mile radius	N/A	N/A	869,800	892,600

Percent Distribution of the Population by Race and Sex, 1990

In Newcastle, 93 % of the population is White, .09% is Black, 5.81% is Native American, and the remaining 1.1% is comprised of all races.

Labor Force

The McClain County labor force was 11,210 in 1993. Participation rate in the county labor force constitutes 74.73% of males and 51.38% of females.

City Labor Force Factor	Male	Female	Total
Civilian Labor Force	469	401	870
Employed	442	383	825
Estimated Labor Availability within 30 miles	10,810	9,170	19,980

Climate

The average January temperature in Newcastle is 47 degrees Fahrenheit with a July temperature average of 81 degrees. The area receives an average of 34 inches of rain annually and 8 inches of snow. The average number of flying days is 338.

General Government

Newcastle is a municipality with a city manager. There is a comprehensive city plan and zoning. The city provides garbage services.

Public Safety

Newcastle has 18 volunteer fire personnel and 14 full-time police officers. The city's fire insurance has an 8 classification while the adjacent area has a 9 classification.

Utility Providers

Utility services are provided primarily by the following carriers:

Electric- Oklahoma Electric Coop
Natural Gas- Oklahoma Natural Gas Co.
Telephone- Pioneer Telephone Cooperative

Water System

<u>Storage Capacity</u>	<u>Daily Consumption</u> Maximum	<u>Pressure in Mains</u>	<u>Source</u>
Ground: 650,000 GPD	1,000,000 GPD	125 PSI	Wells with 1,500,000 GPD
Elevated: 1,000,000	150,000 GPD	25 PSI	GPD

Sanitation and Sewage Treatment

Newcastle has an extended air activated sludge system of treatment.

Sewer Treatment Capacity and Load

<u>Measurement</u>	<u>Capacity</u>	<u>Present Load</u>
Gallons per day	1,000,000	N/A
Population Equivalent	10,000	N/A

Express and Motor Freight

More than 10 motor freight companies serve Newcastle on as-needed basis. United Parcel Service, Airborne Express, and Federal Express are also available.

Distance to Major Cities

Oklahoma City is centrally located in the U.S. The distance from Newcastle to the following cities is:

<u>City</u>	<u>Miles to</u>	<u>City</u>	<u>Miles to</u>
Atlanta	813	Memphis	478
Chicago	794	New Orleans	650
Dallas	196	New York	1,464
Denver	624	Oklahoma City	15
Detroit	1,022	San Francisco	1,653
Houston	431	St. Louis	509
Kansas City	359	Seattle	1,910
Los Angeles	1,351	Tulsa	120

Air Transportation

The nearest commercial airport, Will Rogers, is 10 miles from Newcastle at Oklahoma City. This airport is a full service field with four runways, the longest having a total runway length of 9,500 feet. There are at least 7 major commercial airlines operating out of Will Rogers. There are 17 air freight companies operating there.

Water Transportation

The nearest water transportation is the Port of Catoosa. It is 151 miles from Newcastle and has a channel depth of 9 feet. It is connected via the Arkansas River to the Mississippi River and the Gulf of Mexico.

Road System

Newcastle is located on I-44, and is intersected by SH 62, SH 130, SH 9, and SH 37.

Accommodations

The city has 1 motel with 18 rooms. The largest banquet room in Newcastle seats 100.

Housing

Newcastle has 1,579 dwellings; 85.7% are owner-occupied.

Places of Worship

Newcastle has 1 Catholic church and 15 Protestant churches.

Media

Newcastle has 1 weekly paper, 1 local radio station, and cable television.

Tax Structure

Newcastle's property tax rate is \$85.65 per \$1,000.00 assessed value for the year 1993. The fractional assessment percentage for real property is 11%. The property tax is distributed as follows:

<u>City</u>	<u>County</u>	<u>Schools</u>	<u>Other</u>	<u>Total</u>
\$2.37	\$20.50	\$53.15	\$9.00	\$85.65

Bond Indebtedness

<u>School</u>	<u>City</u>	<u>County</u>
\$605,000.00	\$400,000.00	\$0.00

Sales Taxes

The city has a sales tax rate of 3.0%. In addition, the state levies a 4.5% tax rate on sales. McClain County levies a 1.0% sales tax.

Commercial Services

From the city the nearest machine shops and tool and die services are 4 miles. Within the city there is at least 1 electric and motor repair services are 15 miles.

Educational Resources

Newcastle has 3 primary and secondary schools with approximately 1,037 students and 73 teachers.

<u>Type</u>	<u>Grades</u>	<u>Facilities</u>	<u>Enrollment</u>	<u>Teachers</u>
Public	K - 5	1	465	31
Public	6 - 8	1	227	12
Public	9 - 12	<u>1</u>	<u>345</u>	<u>30</u>
Total		3	1,037	73

Newcastle is an excellent location to receive the benefits of several fine institutions of higher education. The University of Oklahoma, University of Science and Arts in Chickasha, Rose State College, Oklahoma City University, Hillsdale Freewill Baptist College and Oklahoma State University of OKC are within 35 miles of the community. The Vo-Tech system supports the community via Moore-Norman Vo-Tech, Canadian Valley Vo-Tech and Metro Tech in Oklahoma City. There is a public library in Newcastle with nearly 6,000 volumes

Telecommunications

Newcastle has 53 miles of fibre optics cable with 3 points of presence available. Of the central offices, 3 have digital switching capability.

Financial Institutions

Newcastle has 1 bank with assets totaling \$46,462,000.00.

Medical Facilities and Medical Practitioners

There is 1 clinic in Newcastle. Practicing in the Newcastle area are 1 osteopath, 1 chiropractor, 1 dentist, and 1 optometrist. The nearest hospital to Newcastle is 10 miles.

Industrial Financing

The Oklahoma Finance Authority (OFA) provide low interest financing through the issuance of general obligation bonds. The loans are established at 300 basis points over cost. In a first mortgage position, the loan can be up to \$1.25 million. Many Oklahoma counties have voted approval of General Obligation Bonds for economic development. The amount of bonds the county will issue is limited to no more than could be retired by a special tax levy of 5 mills. The proceeds of the bonds are generally used to acquire or build a facility associated with the development project. Lease income from the facility is used to amortize the bonds.

Recreational Facilities

The citizens have access to a number of recreational facilities.

	Tennis	Country	Swimming	Golf
<u>Parks</u>	<u>Courts</u>	<u>Clubs</u>	<u>Pools</u>	<u>Courses</u>

2 1

Other Attractions

In addition, Newcastle offers a sports complex.

Business

The employment and establishment data reported in the following table is for McClain County.

It should be noted that this employment data excludes some types of employment, namely government and railroad employment.

Sector

	<u>Number of Establishments</u>	<u>Number Employed</u>
Ag. Ser., Forestry, and Fishing*	<u>8</u>	<u>60</u>
Mining *	<u>14</u>	<u>175</u>
Construction	<u>34</u>	<u>214</u>
Manufacturing	<u>14</u>	<u>559</u>
Transp. & Pub. Util.	<u>19</u>	<u>120</u>
Wholesale Trade	<u>19</u>	<u>118</u>
Retail Sales	<u>93</u>	<u>937</u>
Fin. Ins., & Real Estate	<u>23</u>	<u>166</u>
Services	<u>96</u>	<u>432</u>
Total	<u>320</u>	<u>2,781</u>

* Actual Number Employed falls between 20-99 or 100-249

Source: Oklahoma County Business Patterns 1991.

Major Employers

<u>Major Employers</u>	<u>Product/Service</u>
Wal Mart	Retail Store
Braum's Ice Cream	Retail Store
Spencer's Super Thrift	Retail Grocery
Petty's IGA	Retail Grocery

Mazzio's Pizza	Restaurant
Bank of Tuttle	Financial Services
F&H USA Inc.	Mattress Mfg.
Wesnidge Inc.	Furniture Mfg.
Flowboy	Trailer Mfg.
Mason Pecan	Manufacturer
Riverside Tractor	Retail Services
Newcastle Public Schools	Education Services
Fleming Ford	Auto Dealership
Hardee's	Restaurant
USA Waste Management	Landfill/Solid Waste

Local Development Organizations

***Newcastle Chamber of Commerce
Robin Hall, Manager
P.O.Box 1006
Newcastle, Oklahoma 73065
Phone: 405-387-3232***

*This information was prepared by the Oklahoma
Department of Commerce Research and Planning
Commission May, 1994*

EXHIBIT 3

Oklahoma City

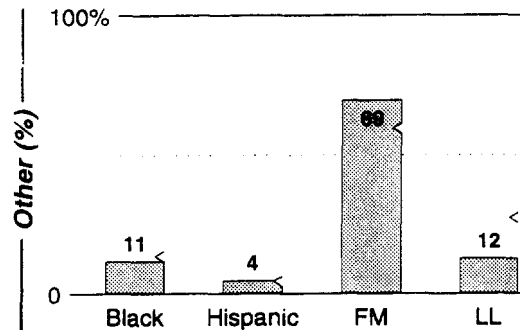
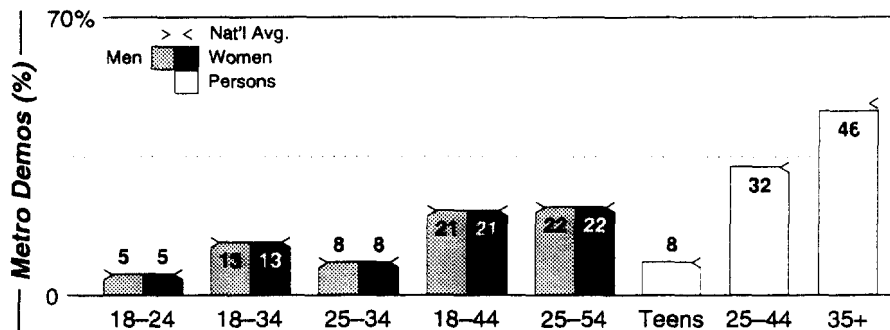
Metro Rank: **51**

Pop: **1,008,384**

Retail: **\$8.001B**

Gross Rev: **\$30.7M**

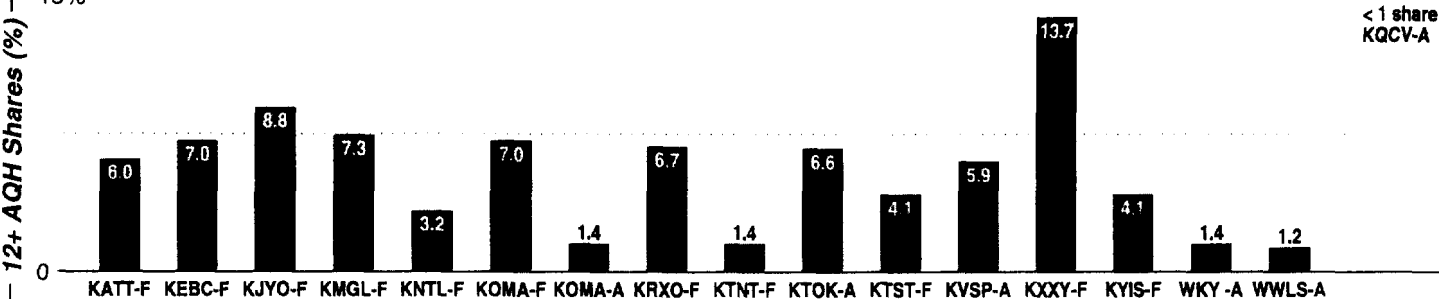
HH Inc: **\$36,899** ↓



Calls	FMT	City of License	Freq	PWR	HAAT	Combo	LMA	Rep	St	Owner	Acq	Price
KATT	AOR	Oklahoma City	100.5	100.0	1191	f	2	Bannr	60	Caribou Comm	9412	c2
KEBC	CTRY	Oklahoma City	94.7	100.0	1388	a		Bannr	67	Clear Channel Comm	9401	7,500
KIRC	CTRY	Seminole	105.9	4.6	367			Riley	78	One Ten Bcst Group		
KJYO	CHR	Oklahoma City	102.7	100.0	984	a		Crstl	61	Clear Channel Comm	8410	g1
KMGL	AC	Oklahoma City	104.1	100.0	1362			Estmn	65	Renda Bcstg	8803	3,050
KNTL	REL	Bethany	104.9	3.0	299				65	Bott Bcstg Co	9410	600
KOMA	OLD	Oklahoma City	92.5	100.0	984		1		64	Wilks/Schwartz Bcstg	8905	3,500
KRXO	ROCK	Oklahoma City	107.7	100.0	991	b			76	Diamond Bcstg Inc	8805	4,650 c1
KTNT	JAZZ	Edmond	97.9	6.0	315				62	Davis, Porter H.	9109	375
KTST	CTRY	Oklahoma City	101.9	100.0	1388	c		McGvn	62	Radio Equity Partnrs	9403	g2
KXXY	CTRY	Oklahoma City	96.1	100.0	1171	c		McGvn	64	Radio Equity Partnrs	9403	g2
KYIS	AC	Oklahoma City	98.9	100.0	1099	f	2	D&R	69	Caribou Comm	9412	10,000 c2

Calls	FMT	City of License	Freq	Day	Night	Combo	LMA	Rep	St	Owner	Acq	Price
KBYE	REL	Oklahoma City	890	1.0	0.00				46	KBYE Inc	9102	315
KGFF	AC	Shawnee	1450	1.0	1.00				30	Huston Comm Inc	9411	50
KNOR	VAR	Norman	1400	1.0	1.00	d		Millr	49	Fox Family	9404	200
KOMA	OLD	Oklahoma City	1520	50.0	50.00	b	1		22	Diamond Bcstg Inc	8805	c1
KQCV	REL	Oklahoma City	800	2.5 #	0.50				48	Bott Bcstg Co	7601	
KTLV	REL	Midwest City	1220	0.3	0.00				73	First Choice Bcstg	7510	
KTOK	NEWS	Oklahoma City	1000	5.0	5.00	a		Crstl	27	Clear Channel Comm	8410	g1
KVSP	URBN	Oklahoma City	1140	1.0	0.00				46	Perry Bcstg Co Inc	9303	375
KXOL	SPRT	Clinton	1320	1.0	1.00				49	Custer Bcstg Inc	9110	
KXXY	CTRY	Oklahoma City	1340	1.0	1.00	c		McGvn	20	Radio Equity Partnrs	9403	g2
WKY	TALK	Oklahoma City	930	5.0	5.00			Torbt	20	Gaylord Bcstg	2808	
WWLS	SPRT	Moore	640	1.0	1.00	d		McGvn	22	Fox Family	8901	550

Calls	General Manager	Address, City, State ZIP	Phone	Owner Contact	Own. Phone
KATT♦KYIS	Larry Bastida	104045 NW 64th #330, Oklahoma City, OK 73116	405-848-0100	Kent Nichols	
KBYE	Chuck Freeny	PO Box 20700, Oklahoma City, OK 73156	405-478-2100		
KEBC♦KTOK	Miles Chandler	PO Box 1000, Oklahoma City, OK 73101	405-840-5271	L. Lowry Mays	210-822-2828
KGFF	Neil O'Donnell	2610 N Bryan Road, Shawnee, OK 74801	405-273-4390		
KIRC	Herman Jones	120 E Main St, Shawnee, OK 74801	405-382-0105	Herman Jones	
KJYO	Miles Chandler	PO Box 1000, Oklahoma City, OK 73101	405-840-5271	L. Lowry Mays	210-822-2828
KMGL	Rob Adair	PO Box 14816, Oklahoma City, OK 73113	405-478-5104	Anthony Renda	412-531-9500
KNTL	Thomas McCoy	2809 N Macarthur Blvd, Oklahoma City, OK 73127	405-789-1140	Richard P. Bott	913-642-7770
KOMA	Vance Harrison	PO Box 6000, Oklahoma City, OK 73153	405-794-4000	Donald Wilks	413-525-0701
KQCV	Robin Jones	1919 North Broadway, Oklahoma City, OK 73103	405-521-1412	Richard P. Bott	913-642-7770
KRXO♦KOMA	Vance Harrison	PO Box 6000, Oklahoma City, OK 73153	405-794-4000	Daniel R. Lee	312-777-1700
KTLV	Dale Williams	3336 SE 67th St, Oklahoma City, OK 73135	405-672-1220		
KTNT	Porter Davis	110 NE 48th St, Oklahoma City, OK 73105	405-524-4979	Porter H. Davis	405-348-4441
KTST	David Griffin	101 NE 28th St, Oklahoma City, OK 73105	405-528-5543	George Sosson	203-857-5600
KVSP	Russell Perry	1528 NE 23rd St, Oklahoma City, OK 73111	405-427-5877	Russell Perry	405-424-4695
KXOL	B'linda Neigy	1730 Neptune, Clinton, OK 73601	405-323-0617	Robert Stephenson	
KXXY♦KXXY	John Moen	101 NE 28th St, Oklahoma City, OK 73105	405-528-5543	George Sosson	203-857-5600
WKY	Dennis DeMichele	PO Box 14930, Oklahoma City, OK 73113	405-478-2930	E.W. Wendall	615-889-6600
WWLS♦KNOR	John Fox	4000 W Indian Hills Rd, Norman, OK 73072	405-360-7000	John Fox	405-360-7000



DECLARATION

I, Seth Mason, under penalty of perjury, state as follows:

1. I am Executive Vice President of Diamond Broadcasting, Inc.
2. I have read the foregoing Comments of Diamond Broadcasting, Inc. and the facts set forth therein are true and correct to the best of my knowledge, information and belief.

Dated: January 26, 1996



Seth Mason

CERTIFICATE OF SERVICE

I, Jovana M. Cooke, a secretary in the law firm of Cohn and Marks, hereby certify that I have, this 29th day of January, 1996, sent by U.S. mail, postage prepaid, or by hand delivery, as indicated, the foregoing **COMMENTS** to the following:

Gary S. Smithwick, Esq.
Smithwick and Belendiuk, P.C.
1990 M Street, N.W.
Suite 510
Washington, D.C. 20036

John A. Karousos*
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8322
Washington, D.C. 20554


Jovana M. Cooke

*By hand delivery